

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

SANDRA WILLIS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:13-CV-60-KS-MTP

**ALLSTATE INSURANCE COMPANY
and JOHN DOES 1-5**

DEFENDANT

**MOTION TO COMPEL DISCOVERY RESPONSES AND F.R.C.P. 30(B)(6)
DEPOSITION OF DEFENDANT ALLSTATE INSURANCE COMPANY**

COMES NOW, Plaintiff, Sandra Willis, by and through her undersigned counsel of record, and files this her Motion to Compel Discovery Responses and F.R.C.P. 30(b)(6) Deposition of Defendant Allstate Insurance Company (“Allstate”) and, in support thereof, would state to this Honorable Court as follows:

Introduction

This discovery motion is reluctantly filed after a series of good faith communications between Sandra and Allstate that has resulted in numerous promises and representations, but no action on behalf of Allstate. Despite Sandra’s undeniable right to depose Defendant Allstate, Allstate has refused to provide available dates for its Federal Rule of Civil Procedure 30(b)(6) deposition. Further, despite promises to the contrary, Allstate has failed to provide responses to Sandra’s written discovery requests even after counsel for Sandra agreed to enter into an Agreed Protective Order with Allstate. Therefore, Sandra now moves this Court to compel Allstate to provide deposition dates and provide responses to Sandra’s written discovery.

Chronology of Events

1. On December 20, 2013, Sandra served her first set of Interrogatories, Request for Production, and Requests for Admission upon Defendant Allstate. [Doc #29] In accordance with the Federal Rules of Civil Procedure, Allstate's responses were due on January 22, 2014. No responses have been received as of February 17, 2014.
2. On January 8, 2014, Sandra noticed the 30(b)(6) deposition of Defendant Allstate with a date and time of the deposition to be determined. [Doc #34] Said notice was filed as a courtesy to Allstate so that it may ascertain which company representatives it would need to produce in response to Sandra's areas of inquiry.
3. On January 9, 2014, counsel for Sandra requested dates for Allstate's deposition. In response, counsel for Allstate stated that he will be filing a motion for protective order "soon" regarding Sandra's areas of inquiry. **(Exhibit 1, Email from Toby Gammill)** No such motion has been filed as of February 17, 2014.
4. On January 15, 2014, Allstate provided Sandra with its objections to Sandra's 30(b)(6) notice of deposition.
5. On January 17, 2014, only several days before Allstate's responses to Sandra's written discovery were due, counsel for Allstate advised that "[t]o complete the answers to discovery, we have claims manuals that we can agree to produce under an agreed protective order." **(Exhibit 2, Email from Toby Gammill)** Counsel for Sandra agreed to consent to an agreed protective order and even provided a draft of same. **(Exhibit 3, Email to Toby Gammill)**

6. On January 20, 2014, counsel for Plaintiff agreed to Allstate's Agreed Protective Order and requested timely production of Allstate's discovery responses. **(Exhibit 4, Email chain between Manion Anderson and Toby Gammill)**
7. On February 5, 2014, counsel for Plaintiff responded to Allstate's objections to Sandra's 30(b)(6) notice.
8. On February 6, 2014, after failing to receive deposition dates from Allstate nearly one month after requesting the same, counsel for Sandra requested that counsel for Allstate execute a Good Faith Certificate regarding Sandra's anticipated Motion to Compel 30(B)(6) Deposition. Counsel for Allstate responded that he planned to file a cross motion for protective order. Counsel for Sandra stated "that is fine" and once again requested an executed Good Faith Certificate. **(Exhibit 5, Email Chain between Manion Anderson and Toby Gammill)**
9. On February 7, 2014, out of an abundance of caution and to preserve Sandra's right to depose Allstate in light of upcoming scheduling order deadlines, Sandra noticed Allstate's deposition for March 4, 2014 at the offices of McHard & Associates, PLLC in Hattiesburg, Mississippi.
10. To date, Allstate has failed to provide any available dates for Allstate's 30(B)(6) deposition, failed to respond to written discovery, and failed to provide an executed Good Faith Certificate.

Argument

It cannot be genuinely disputed that Sandra is entitled to depose Defendant Allstate or that Defendant Allstate is required to reply to Sandra's written discovery. *See* Federal Rules of Civil Procedure 30, 33, and 34. To date, Allstate has failed to provide dates, times, or locations

for Allstate's deposition and has failed to respond to written discovery in contrast to the requirements of the Rules of Civil Procedure. Accordingly, Sandra hereby requests that this Honorable Court compel Allstate to submit to a 30(b)(6) deposition within thirty (30) days of this motion and compel Allstate to respond to Sandra's written discovery.

Due to the simplicity of this motion, Sandra requests the Court waive the requirements of Local Rule 7.2 requiring a memorandum of authorities.

Respectfully submitted this 17th day of February, 2014.

SANDRA WILLIS
PLAINTIFF

BY: /s/ Samuel S. McHard
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CERTIFICATE OF SERVICE

I, Samuel S. McHard, do hereby certify that I electronically filed the foregoing with the Clerk of court using the CM/ECF system, which will send notification of such filing to all counsel of record.

This the 17TH day of February, 2014.

BY: /s/ Samuel S. McHard
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